

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAORLANDO S. DE TAGLE,  
Plaintiff,

v.

SANTA CLARA COUNTY,  
Defendant.

Case No. 24-cv-04115-NC

**ORDER TO SHOW CAUSE  
WHY CASE SHOULD NOT BE  
DISMISSED WITHOUT  
PREJUDICE AS DUPLICATIVE**

Re: ECF 1

Self-represented Plaintiff Orlando S. de Tagle filed a complaint on July 8, 2024, that appears to contain the same allegations as in a separate case he already has before the Court. ECF 1. The complaint contains the same set of allegations as the complaint filed at docket 5:24-cv-00556-PCP. The plaintiff in 24-00556 is Austin Orlando Sanchez de Tagle. The plaintiff here is Orlando S. de Tagle. The 24-00556 complaint alleges de Tagle was mistreated by Officer Hernandez while in Elmwood jail and brings a constitutional claim for violation of the Eight Amendment. This complaint alleges the same mistreatment by the same officer, also brings an Eight Amendment claim, and adds additional claims for violation of the Americans with Disabilities Act. The 24-00556 complaint mentioned ADA violations in paragraph 9, but did not separate out the ADA claims as de Tagle does here. The Court ORDERS Plaintiff Orlando S. de Tagle to show cause why this duplicative complaint should not be dismissed without prejudice.

“Plaintiffs generally have no right to maintain two separate actions involving the

1 same subject matter at the same time in the same court and against the same defendant.”  
 2 *Mendoza v. Amalgamated Transit Union Int’l*, 30 F.4th 879, 886 (9th Cir.) (quotation  
 3 marks omitted). Having multiple identical cases is not efficient for the parties or the Court  
 4 and risks creating inconsistencies. The Court has already shared this rule with de Tagle in  
 5 a separate order regarding another seemingly duplicative case filed with the Court. *See de*  
 6 *Tagle v. Santa Clara County District Attorney’s Office*, 24-cv-03480-NC, ECF 6.

7 Certain rules apply to cases filed in federal court. Those rules appear in the Federal  
 8 Rules of Civil Procedure, which is available on the website of the U.S. Courts at  
 9 [https://www.uscourts.gov/rules-policies/current-rules-practice-procedure/federal-rules-](https://www.uscourts.gov/rules-policies/current-rules-practice-procedure/federal-rules-civil-procedure)  
 10 [civil-procedure](https://www.uscourts.gov/rules-policies/current-rules-practice-procedure/federal-rules-civil-procedure). For example, Rule 15 covers how to amend or make changes to a  
 11 complaint, if that is what de Tagle sought to do with this filing.

12 The Federal Pro Se Program at the San Jose Courthouse is a helpful resource for  
 13 understanding the rules that apply to court filings and how to comply with them. **Because**  
 14 **he is representing himself, de Tagle may seek help from the Federal Pro Se Program,**  
 15 **which provides free information and limited-scope legal advice.** The Program is  
 16 available by phone appointment at (408) 297-1480. There are also online resources  
 17 available on the Court’s webpage (<https://www.cand.uscourts.gov/pro-se-litigants/>).

18 Because the complaint appears duplicative of one already filed with the Court, de  
 19 Tagle must respond in writing by Friday, July 19, 2024, explaining why this case this case  
 20 is different and should not be dismissed. The Court may dismiss this case without  
 21 prejudice if de Tagle does not respond.

22  
 23 **IT IS SO ORDERED.**

24  
 25 Dated: July 9, 2024

26   
 27 NATHANAEL M. COUSINS  
 28 United States Magistrate Judge